

## CONGRESSIONAL RECORD SUMMARY

Wednesday, February 13, 2002, Part I

### SENATE

#### Measures Introduced:

**S. 1937.** *A bill to set forth certain requirements for trials and sentencing by military commissions, and for other purposes; to the Committee on Armed Services.*

*"... The President's order also allowed for conviction of a capital offense by a two-thirds vote, but that is inconsistent with the Uniform Code of Military Justice, and the law does not allow a regulation to be inconsistent with that law. So Senator Durbin and I have provided the modifications that two-thirds is acceptable generally. But if the sentence carries 10 years or more, it requires a three-fourths vote. And for the death penalty, it would require a unanimous vote. This legislation further provides for right to counsel consistent with the Uniform Code of Military Justice, which would be either military counsel or could be private counsel. But that right is preserved..."*

Specter

Pages S 732, S 733-4

**S. 1941.** *A bill to authorize the President to establish military tribunals to try the terrorists responsible for the September 11, 2001 attacks against the United States, and for other purposes; to the Committee on Armed Services.*

*"... Like the November 13 order, the Military Tribunal Authorization Act exempts U.S. citizens from the jurisdiction of the tribunals, as well as those individuals determined to be prisoners of war under the Geneva Convention. The bill also exempts individuals arrested while present in the United States, since our civilian court system is well-equipped to handle such cases. These exemptions are consistent with the Administration's treatment of Zacharias Moussaoui, the suspected 20th hijacker in the September 11 attacks, who is awaiting trial in Federal district court. A second terrorist suspect, Richard Reid, the so-called 'shoe bomber,' is also being tried in Federal district court. In fact, one of the nine charges against Reid, 'attempted wrecking of a mass transportation vehicle,' is a new anti-terrorism offense that was created by the USA Patriot Act. Finally, the Administration has decided to bring Federal criminal charges against John Walker Lindh, who allegedly took up arms against Americans to fight with al Qaeda and the Taliban in Afghanistan..."*

Leahy

Pages S 732, S 741-4

**S. Con. Res. 97.** *A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.*

Daschle

Pages S 732, S 746

#### Measures Reported:

**S. 1857,** to Encourage the Negotiated Settlement of Tribal Claims, with an amendment in the nature of a substitute.

**S.J. Res. 31,** suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Pages S 732, D 94

#### Measures Passed:

**Farm Aid:** By 58 yeas to 40 nays (Vote No. 30), *Senate passed H.R. 2646*, to provide for the continuation of agricultural programs through fiscal year 2011, *after striking all after the enacting clause and inserting in lieu thereof the text of S. 1731, Senate companion measure*, and after taking action on the following amendments proposed thereto:

*Pages S 675-99, D 94*

**Adopted:**

By a unanimous vote of 98 yeas (Vote No. 27), *Reid (for Conrad) Amendment No. 2857 (to Amendment No. 2471)*, to express the Sense of the Senate that no Social Security surplus funds should be used to pay to make currently scheduled tax cuts permanent or for wasteful spending.

*Pages S 675-7, D 94*

*Daschle (for Harkin) Amendment No. 2471*, in the nature of a substitute.

*Pages S 675- 83, D 94*

**During consideration of this measure today, Senate also took the following action:**

*Daschle motion* to reconsider the vote (Vote No. 377--107th Congress, 1st Session) by which the second motion to invoke cloture on *Daschle (for Harkin) Amendment No. 2471 (listed above) was not agreed to, fell when H.R. 2646, listed above, was passed.*

*Pages S 675, D 94*

Pursuant to the order of February 7, 2002, Senate insisted on its amendment and requested a conference with the House thereon.

*Pages S 699, D 94*

Also, pursuant to the order of February 7, 2002, *S. 1731 was returned to the Senate calendar.*

*Page D 94*

**S. Con. Res. 97. Adjournment Resolution:**

*Senate agreed to S. Con. Res. 97, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.*

*Pages S 791, D 94*

**S. 565. Election Reform:**

*Senate began consideration of S. 565*, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, and to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, taking action on the following amendments proposed thereto:

*Pages S 709-29, D 94*

**Adopted:**

*Smith (NH) Amendment No. 2861 (to Amendment No. 2858)*, of a perfecting nature.

*Pages S 714-18, D 95*

*Allard Amendment No. 2858*, to clarify the standard for invalidation of ballots cast by absent uniformed services voters in Federal elections, to maximize the access of recently separated uniformed services voters to the polls, to prohibit the refusal of voter registration and absentee ballot applications on grounds of early submission, and to distribute copies of the Federal military voter laws to the States.

*Pages S 713-18, D 95*

*Dodd/McConnell Amendment No. 2688*, in the nature of a substitute.

*Pages S 709- 26, D 95*

**S. 565. Election Reform (Cont'd.):**

*Dodd (for Cantwell) Amendment No. 2874*, to treat absentee ballots and mail-in ballots in the same manner

as other paper ballot voting systems under the voting systems standards and to ensure that voters are informed how to correct voting errors before a ballot is cast and counted.

*Pages S 726, D 95*

**Schumer Amendment No. 2871**, to specify how lever voting systems may meet the multilingual voting materials requirement.

*Pages S 727-8, D 95*

**Schumer Amendment No. 2873**, to require States and localities to mail a voter registration form to individuals who cast provisional ballots that were not counted.

*Pages S 727-8, D 95*

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:15 a.m., on Thursday, February 14, 2002.

*Pages S 791, D 95*

#### **S.J. Res. 31. Budget and Deficit Control--Agreement:**

A unanimous-consent agreement was reached providing that, at a time to be determined by the Majority Leader, following consultation with the Republican Leader, **Senate begin consideration of S.J. Res. 31**, suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985, with a vote to occur on passage of the joint resolution.

*Pages S 791, D 95*

#### **Nominations Confirmed:**

**Senate confirmed the following nominations:**

*John L. Howard*, of Illinois, to be *Chairman of the Special Panel on Appeals*.

*Dan Gregory Blair*, of the District of Columbia, to be *Deputy Director of the Office of Personnel Management*.

*Pages S 791-2, D 95*

#### **Committee Meetings:**

**Committee on the Budget:** Committee ordered unfavorably reported **S.J. Res. 31**, suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

*Page D 96*

**Committee on Health, Education, Labor, and Pensions:** Committee concluded hearings to examine the existing laws and proposed legislation necessary to protect genetic information, in order to prevent genetic discrimination that may lead to loss of health insurance or employment discrimination, including S. 318/S. 382, to prohibit discrimination on the basis of genetic information with respect to health insurance.

*Page D 96-7*

**Committee on Indian Affairs:** Committee ordered favorably reported **S. 1857**, to *Encourage the Negotiated Settlement of Tribal Claims*.

*Page D 97*

#### **Committee Meetings (Cont'd.):**

**Committee on the Judiciary:** Committee held hearings to examine the application of federal antitrust laws to Major League Baseball.

**Committee on the Judiciary:** Subcommittee on Administrative Oversight and the Courts met to receive a briefing on issues surrounding potential threats of cyber terror attacks.

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**Committee Meetings For Thursday, February 14, 2002:**

**Committee on the Budget:** @ 10:00 a.m. To continue hearings to examine the President's proposed budget request for fiscal year 2003 and revenue proposals. SD-608.

**Committee on the Judiciary:** @ 2:30 p.m. Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine privacy, identity theft, and protection of personal information in the 21st century. SD-226.

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**Committee Meetings Scheduled:**

**Committee on Indian Affairs,** 2/26/02 @ 10:00 a.m. To hold hearings on rulings of the United States Supreme Court affecting tribal government powers and authorities. SD-106.

**Committee on Banking, Housing, and Urban Affairs,** 2/26/02 @ 10:00 a.m. To resume oversight hearings to examine accounting and investor protection issues, focusing on proposals for change relating to financial reporting by public companies, accounting standards, and oversight of the accounting profession. SD-538.

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**Remarks:**

**Celebrating Black History Month 2002 By Commemorating And Continuing The Work of Great African-Americans.**

*"...If we learned anything from the terrible ordeal of September 11, it is that we cannot tolerate acts of hatred and discrimination. [ ] A hate crime scars this country every hour and 10 minutes of every day, 365 days a year. In the last Congress, the Senate passed a bipartisan bill strengthening federal protections against hate crimes only to see it die in conference with the House. We need to pass it again this year. And this time, let's make sure it becomes law. We came together on September 11. If we are to stay together, we must stand against every form of bigotry and hatred. Finally, we know that protecting rights in law is only half the battle. **We also need a judiciary that protects our rights in court. As Senators, we have a special obligation to ensure that the men and women who are nominated for lifetime positions on the federal bench or the Supreme Court will protect the basic rights for which so many Americans, from Crispus Attucks on down through the years, have given their lives. Let us honor that obligation this month and every month we are privileged to be here...**"*

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Daschle

Pages S 729-30

Impressive Steps Taken Against The War On Terrorism.

Specter

Pages S 730-1

**HOUSE**

**Bills Introduced:**

**H.R. 3741.** A bill to amend the Public Health Service Act *with respect to the National Vaccine Injury Compensation Program*; to the Committee on Energy and Commerce.

**H.R. 3744.** A bill to amend title 31, United States Code, to provide for continuing appropriations in the absence of regular appropriations; to the Committee on Appropriations.

Gekas

Page H 366

**H.R. 3751.** A bill to prohibit the importation of dangerous firearms that have been modified to avoid the ban on semiautomatic assault weapons; to the Committee on the Judiciary.

Nadler

Page H 366

**H.R. 3757.** A bill to freeze and repeal portions of the tax cut enacted in the Economic Growth and Tax Relief Reconciliation Act of 2001 and to apply savings therefrom to a comprehensive Medicare outpatient prescription drug benefit; to the Committee on Ways and Means.

Wexler

Page H 366

**H.R. 2356. Bipartisan Campaign Reform Act:**

*The House passed H.R. 2356*, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform by a recorded vote of 240 ayes to 189 noes, Roll No. 34.

*Pages H 339-64, Continued next issue, D 97*

*Agreed to the Meehan motion* to recommit the bill to the Committee on House Administration with instructions to report it back forthwith to the House with an amendment that prohibits any soft money to be used to pay to any debts or obligations incurred for any hard money activities. Subsequently, the Committee on House Administration reported the bill back with the amendment, and the amendment was then agreed to.

*Pages D 97, See next issue*

**Agreed To:**

*Shays amendment* in the nature of a substitute No. 9, printed in the Congressional Record of Feb. 12 that bans soft money beginning Nov. 6, 2002 and provides a transition rule for spending funds prior to Jan. 1, 2003 by national parties to retire outstanding debts or obligations (agreed to by a recorded vote of 240 ayes to 191 noes, Roll No. 21);

*Pages D 97, See next issue*

*Green of Texas amendment No. 11*, printed in the Congressional Record of Feb. 12 that strikes section 305 which had guaranteed special television media rates for candidates (agreed to by a recorded vote of 327 ayes to 101 noes, Roll No. 23);

*Pages D 98, See next issue*

*Capito amendment No. 10*, printed in the Congressional Record of Feb. 12, that increases contribution limits for House candidates in response to personal expenditures by wealthy opponents;

*Pages D 98, See next issue*

**H.R. 2356. Bipartisan Campaign Reform Act (Cont'd.):**

*Wamp amendment No. 12*, printed in the Congressional Record of Feb. 12, that increases the contribution limits for House candidates from \$1,000 to \$2,000 and indexes this amount for inflation in future years (agreed to by a recorded vote of 218 ayes to 211 noes, Roll No. 28);

*Kingston amendment No. 25*, printed in the Congressional Record of Feb. 12, that prohibits the use of soft money after the effective date of the ban to defray the costs of the construction or purchase of any office

building or facility (agreed to by a recorded vote of 232 ayes to 196 noes, Roll No. 32);

*Pages D 98, See next issue*

**Rejected:**

***Armey amendment*** in the nature of a substitute No. 13, printed in the Congressional Record of Feb. 12 that sought to ban all soft money activities of parties and candidates (rejected by a recorded vote of 179 ayes to 249 noes, Roll No. 19);

*See next issue, D 98*

***Ney amendment*** in the nature of a substitute No. 14, printed in the Congressional Record of Feb. 12 that sought to ban soft money by political parties for Federal election activity, increase contribution limits for political parties and individuals, and define and regulate “*express advocacy*” communications (rejected by a recorded vote of 53 ayes to 377 noes, Roll No. 20);

*Page D 98, See next issue*

***Hyde amendment No. 32, printed in the Congressional Record of Feb. 12, that sought to clarify that nothing may be construed to abridge the freedoms found in the First Amendment to the Constitution, specifically the freedom of speech or of the press, or the right of people to peaceably assemble and to petition the government for a redress of grievances (rejected by recorded vote of 188 ayes to 237 noes with 1 voting “present,” Roll No. 22);***

*Page D 98, See next issue*

***Pickering amendment No. 27, printed in the Congressional Record of Feb. 12 that sought to exempt non-candidate communications pertaining to the Second Amendment of the Constitution, the right of individuals to keep and bear arms (rejected by a recorded vote of 209 ayes to 219 noes, Roll No. 24);***

*Pages D 98, See next issue*

***Watts of Oklahoma amendment No. 31, printed in the Congressional Record of Feb. 12, that sought to exempt non-candidate communications pertaining to civil rights and issues affecting minorities (rejected by a recorded vote of 185 ayes to 237 noes, Roll No. 25);***

*Pages D 98, See next issue*

The Clerk was authorized to make technical corrections and conforming changes in the engrossment of the bill.

*Pages D 98, See next issue*

**H. Res. 344**, the rule that provided for consideration of the bill was agreed to on Feb. 12.

*Pages D 98*

**Committee Meetings:**

**Committee on Education and the Workforce:** Subcommittee on Employer- Employee Relations held a hearing on “*Enron and Beyond: Enhancing Worker Retirement Security.*”

**Committee on Energy and Commerce:** Subcommittee on Energy and Air Quality held a hearing entitled “*The Effect of the Bankruptcy of Enron on the Functioning of Energy Markets.*”

*Page D 99*

**Committee on Transportation and Infrastructure:** Subcommittee on Coast Guard and Maritime Transportation held a hearing on Port Security: Credentials for Port Security.

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**Committee Meetings For Thursday, February 14, 2002:**

**Committee on Energy and Commerce, @ 9:00 a.m.** Subcommittee on Commerce, Trade, and Consumer Protection, hearing entitled “*Are Current Financial Accounting Standards Protecting Investors?*” 2212 Rayburn.

**Committee on Energy and Commerce, @ 11:00 a.m.** Subcommittee on Oversight and Investigations, to continue hearings on the Financial Collapse of Enron Corp. 2322 Rayburn.

**Committee on the Judiciary, @ 10:00 a.m.** Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on the “*Federal Trademark Dilution Act.*” 2141 Rayburn.

**Committee on the Judiciary, @ 1:30 p.m.** Subcommittee on Crime, to mark up **H.R. 3482**, *Cyber Security Enhancement Act of 2001*. 2237 Rayburn.

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**Next SENATE MEETING: Thursday, 9:30 a.m., February 14, 2002.**

**Next HOUSE MEETING: Thursday, 10:00 a.m., February 14, 2002.**

**OLA: S. Schwarz, A. Santos**